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And Walker Lake Working Group, Defendant*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	IN EQUITY NO. C-125-MMD
WALKER RIVER PAIUTE TRIBE,)	Subproceeding: 3:73-CV-00128-MMD-WGC
)	
Plaintiff-Intervenor,)	
)	
vs.)	
WALKER RIVER IRRIGATION DISTRICT,)	APPLICATION OF MINERAL
a corporation, et al.,)	COUNTY FOR SPECIAL
)	APPOINTMENT OF PROCESS
Defendants.)	SERVER UNDER FED. R. CIV. P.
)	4(c)(3), AND POINTS AND
MINERAL COUNTY,)	AUTHORITIES IN SUPPORT
)	THEREOF
Plaintiff-Intervenor,)	
)	
vs.)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	

1 Mineral County hereby requests that the Court appoint Craig Wesley Rimer to effect
2 personal service in the above-captioned matter under Federal Rule of Civil Procedure 4(c)(3),
3 which provides, in part, that “[a]t the plaintiff’s request, the court may order that service be made
4 by a United States marshal or deputy marshal *or by a person specially appointed by the court.*”
5 Fed. R. Civ. P. 4(c)(3) (emphasis added).
6

7 Mineral County believes it is necessary to appoint Mr. Rimer as a process server in this
8 subproceeding, because of the history of significant resistance and obstruction by proposed
9 defendants over the course of personal service efforts in this case. That resistance led to the
10 appointment of Mr. Rimer as process server in subproceeding C-127 in 2005. *See Application of*
11 *the United States of America for Special Appointment of a Process Server Under F.R.C.P.*
12 *4(C)(2), and Points and Authorities In Support Thereof* (May 25, 2005)) (C-127 Doc. 662) and
13 *Order for Special Appointment of Process Server Under F.R.C.P. 4(C)(2)* (May 25, 2005) (C-
14 127 Doc. 663), attached hereto as Exhibits A and B. The United States’ 2005 Application for
15 Special Appointment of a Process Server included an affidavit signed by Mr. Rimer detailing the
16 reasons that appointment was necessary, which affidavit Mr. Rimer has advised Mineral County
17 is equally applicable to service efforts in this subproceeding and provides the basis for Mineral
18 County’s application. *See Exhibit A, Declaration of Craig Wesley Rimer* (C-127 Doc. 662).
19
20
21

22 Mineral County believes that an order from this Court appointing Mr. Rimer as a process
23 server for this action may assist him in identifying himself to persons or entities that elect to

24 ///

25 ///

26 ///

1 challenge his efforts to effect service. If any further incidents occur, despite issuance of an order
2 of this Court, Mineral County will report such incidents to the Court and it may be necessary to
3 request further relief of the Court.
4

5 The principal Defendants have been contacted and do not oppose this Application. A
6 Proposed Order is attached.

7 Dated: June 11, 2021

Respectfully submitted,

8 /s/ Simeon M. Herskovits
9 Simeon M. Herskovits, Nevada Bar No. 11155
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18 /s/ Sean A. Rowe
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26 *Attorneys for Mineral County, Plaintiff-Intervenor*
27 *and Walker Lake Working Group, Defendant*
28

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2021, I electronically filed the foregoing
**APPLICATION OF MINERAL COUNTY FOR SPECIAL APPOINTMENT OF
PROCESS SERVER UNDER FED. R. CIV. P. 4(c)(2), AND POINTS AND
AUTHORITIES IN SUPPORT THEREOF and [PROPOSED] ORDER FOR SPECIAL
APPOINTMENT OF PROCESS SERVER UNDER FED. R. CIV. P. 4(C)(3),** with the Clerk
of the Court using the CM/ECF system, which will send notification of such filing to parties of
record via their E-Mail addresses.

/s/ Iris Thornton
Iris Thornton